

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

FRANK DWIGHT CARTER,)	
)	
Petitioner,)	
)	
v.)	No. 4:12CV1637 AGF
)	
STATE OF TEXAS,)	
)	
Respondent.)	

MEMORANDUM AND ORDER

This matter is before the Court on Frank Dwight Carter’s petition for review of a 1989 criminal action from the State of Texas. Petitioner has not stated a basis for this Court’s jurisdiction, and after reviewing the petition and the attached exhibits, the Court finds that none exists.

Under Rule 12(h)(3) of the Federal Rules of Civil Procedure, the Court is required to review all new cases for subject matter jurisdiction and to dismiss any action where subject matter jurisdiction is lacking.

There are only two avenues for review of a state criminal action in federal court: removal of a pending case under 28 U.S.C. § 1443 or habeas review of a final judgment. In either instance, the state court action may only be reviewed by a federal court sitting in the same state as the underlying state court action. See 28 U.S.C. § 1443, § 2241(d). Because petitioner’s case arose in Texas, this Court lacks subject matter jurisdiction over the action.

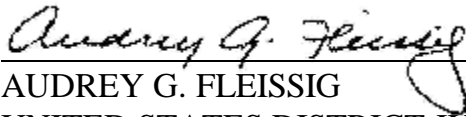
Accordingly,

IT IS HEREBY ORDERED that petitioner's motion to proceed in forma pauperis [Doc. 2] is **GRANTED**.

IT IS FURTHER ORDERED that this action is **DISMISSED**.

An Order of Dismissal will be filed with this Memorandum and Order.

Dated this 18th day of September, 2012.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE